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9  
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11 United States of America

12  
13 IN THE UNITED STATES DISTRICT COURT  
14 EASTERN DISTRICT OF CALIFORNIA

15 UNITED STATES OF AMERICA,

16 Plaintiff,

17 v.

18 JOSE LUIS SANTANA,

19 Defendant.

CASE NO. 1:21-CR-00278-JLT-SKO

STIPULATION TO VACATE STATUS  
CONFERENCE DATE, SET THE MATTER FOR  
TRIAL, AND EXCLUDE TIME PERIODS UNDER  
THE SPEEDY TRIAL ACT; ORDER

DATE: March 15, 2023

TIME: 1:00pm

COURT: Hon. Sheila K. Oberto

17 STIPULATION

18 Plaintiff United States of America, by and through its counsel of record, and defendant, by and  
19 through defendant's counsel of record, hereby stipulate as follows:

20 1. By previous order, this matter was set for status conference on March 15, 2023.

21 2. The parties hereby request that the Court vacate the current status conference date, set  
22 this matter for trial on February 27, 2024, and exclude time between March 15, 2023, and February 27,  
23 2024, under 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4]. The parties further request a trial  
24 confirmation date be set for February 5, 2024.

25 3. The parties agree and stipulate, and request that the Court find the following:

26 a) The government represents that it has provided discovery in this case. The  
27 government is in the process of obtaining additional lab-related paperwork regarding the testing  
28 of drug exhibits and will provide it to defense counsel upon receipt. The government is aware of

1 its ongoing discovery obligations.

2 b) The parties are in negotiations regarding defendant's request to re-test and re-  
3 weigh the drugs at issue in this case.

4 c) The government has agreed to provide a plea offer in this case.

5 d) Counsel for defendant desires additional time to confer with his client about a  
6 possible resolution, to review discovery, and to otherwise prepare for trial.

7 e) Counsel for defendant believes that failure to grant the above-requested  
8 continuance would deny him/her the reasonable time necessary for effective preparation, taking  
9 into account the exercise of due diligence.

10 f) The government does not object to the continuance.

11 g) Based on the above-stated findings, the ends of justice served by continuing the  
12 case as requested outweigh the interest of the public and the defendant in a trial within the  
13 original date prescribed by the Speedy Trial Act.

14 h) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,  
15 et seq., within which trial must commence, the time period of March 15, 2023, to February 27,  
16 2024, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code  
17 T4] because it results from a continuance granted by the Court at defendant's request on the basis  
18 of the Court's finding that the ends of justice served by taking such action outweigh the best  
19 interest of the public and the defendant in a speedy trial.

20 4. Nothing in this stipulation and order shall preclude a finding that other provisions of the  
21 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial  
22 must commence.

23 IT IS SO STIPULATED.  
24

25 Dated: February 28, 2023

PHILLIP A. TALBERT  
United States Attorney

27 /s/ JESSICA A. MASSEY  
28 JESSICA A. MASSEY

Assistant United States Attorney

1 Dated: February 28, 2023

2 /s/ W. SCOTT QUINLAN

3 W. SCOTT QUINLAN

4 Counsel for Defendant

JOSE LUIS SANTANA

5  
6 **ORDER**

7 IT IS SO ORDERED. The status conference date currently scheduled for March 15, 2023, is  
8 vacated. The matter is hereby scheduled for trial on February 27, 2024, with a trial confirmation date set  
9 for February 5, 2024.

10 Time shall be excluded from March 15, 2023, through February 27, 2024, pursuant to 18 United  
11 States Code Section 3161(h)(7)(A), B(iv), to allow the parties to sufficiently prepare for trial and  
12 continue their plea discussions. The Court finds that the ends of justice outweigh the interest of the  
13 defendant and the public in a speedy trial.

14  
15 DATED: 2/28/2023

*Sheila K. Oberto*

16 Hon. Sheila K. Oberto  
United States Magistrate Judge